

Introducing BP's Administrative State Legislation Tracker

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Geoff Pallay: Welcome to On the Ballot with Ballotpedia, where we connect people to politics by providing neutral, nonpartisan and reliable information on our government, how it works and where it's headed. I'm Editor-in-Chief Geoff Pallay. Thanks for being with us today.

I'm joined by policy staff writer Annelise Reinwald here to help me announce an exciting new tool we recently rolled out here at Ballotpedia, The Administrative State Legislation Tracker!

Annelise, thanks for coming on the show today.

(00:00:41:11 - 00:01:50:23)

Annelise Reinwald: Yeah, happy to be here. Thanks for having me.

(00:00:51:11 - 00:01:01:23)

Geoff Pallay: So I always like to ask people this when they come work here or when they come on the show sometimes. But tell me about your meet Ballotpedia story because everyone has a different story of how they came across valid Ballotpedia.

Mine was in 2010. I was not aware about Ballotpedia and then I became aware about Ballotpedia. But most people today actually know us, which is very exciting for us. We love that one in two voters come to Ballotpedia before voting.

But how about your story? How did you meet Ballotpedia before coming to work here?

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Annelise Reinwald: So I was voting for the first time in 2018. I had no idea who was on my ballot. And so I figured before voting, I would try to know a little bit more. So I came across Ballotpedia in that way.

I majored in journalism in school, so doing a lot of political reporting, I would refer back to Ballotpedia over and over. I got a little bit more into the education realm. I figured that journalism and education were two sides of the same coin, and I wanted to be a teacher for a long time, so I ended up teaching preschool after I graduated for a little bit, and then I decided I wanted to do more, get back into writing.

And I found out Ballotpedia was hiring for a policy staff writer, and it felt like it struck the

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perfect niche for what I wanted to do. So I applied and here I am, and I'm very thrilled to be working on the policy team. I love the fact that I learn a new thing every single day.

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Geoff Pallay: Yeah, well, if you're here and you're also my daughter probably would have kept you as a preschool teacher because she's that excited or she would've scared off earlier. I'm not really sure. So anyway, yeah, well, I love that Ballotpedia would help you out. You're one of the many millions using the sample ballot lookup tool, which I myself as well.

So. Well, let's talk about the administrative state, which is a really mouthful of words. So tell our listeners about the administrative said project and our coverage at Ballotpedia. We've had our articles on it for quite a long time now. So what is the administrative state and what kind of clubs do we have in our project?

(00:02:40:03 - 00:03:05:02)

Annelise Reinwald: Yeah, that's a great question. So I'm just going to start off by defining the administrative state. So Ballotpedia defines the administrative state as the phenomenon where executive branch administrative agencies exercise the power to create, adjudicate and enforce their own rules.

For example, the EPA may issue rules to implement the Clean Air Act of 2020 as enacted by our federal Congress. So Gallup actually started tracking the administrative state in 2017, and it predated the policy department, which is something that I recently learned. I'm new at Ballotpedia, so I'm still learning all this, but Ballotpedia tracks five main pillars of the administrative state, which I won't get into right now because I'd keep everyone on the horn for a couple of hours if I did. But I encourage listeners to check out our administrative state page on the website, which hopefully will be linked in the show notes. But yeah, we have a rather large taxonomy related to the administrative say we track reform.

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Geoff Pallay: We have tracked stuff like the Federal Register that pumps out new rules from agencies. We track the Congressional Review Act, which tracks legislation that aims to repeal agency rules. Again, I encourage readers to go check out our Administrative State index for more information on this. But so how many articles do we have in our administrative set? Our indexes grow every day, but it's grown quite substantial over the years.

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Annelise Reinwald: You know, Geoff, I actually don't know the answer to that question. I could find out.

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Geoff Pallay: And while you're looking that up, tell our listeners a little bit about what do we mean by taxonomy, because it doesn't mean taxidermy. It doesn't have anything to do with hunting. But what is taxonomy when we when we use it internally? Yeah, that's a great question. So that just means all of the content that we have relating to the administrative state.

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Annelise Reinwald: So we've got articles we have like scholarly information from bi conglomerated from different sources. We talk about arguments related to reform and we talk about I guess we just have updates from several different agencies federally and state agencies. We, we have like data surveys of how administrative agency policy works in different states. Does that answer your question? Yeah.

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Geoff Pallay: Yeah, exactly. So, okay, so we we've had this administrator say project for a really long time now at Ballotpedia. So tell me a little bit about our tracker, where did the idea come from to do legislation tracking and why is that an important part of the administrative state as a policy area?

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Annelise Reinwald: So Ballotpedia identified that there was an information gap and reform activity surrounding the administrative state at a state level. And Geoff, as you know, Ballotpedia is big on reporting on the state and local levels. Federally is important as well. But we figured that we would create this one stop shop for being able to see what our legislation tracking as it as are in regards to the administrative state. So what we did was we already had reform proposals, just a taxonomy or information about like reform proposals on our website.

And we used those to single out keywords that could be in bills and in the text of legislation that we're looking for. And we use a software called Bill Track 50. And so we entered these keywords into Bill track 50 and it pulled in a ton of bills. We sorted through around 2500 bills.

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And so then after we sorted through all of them, we imported them into our state legislation table, which is reader facing. That's what the reader sees whenever they go to our bill tracker.

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Geoff Pallay: Yeah, yeah. I mean, I've worked very closely with our elections legislation tracker, which if any recurring listeners on the show know I've come on the show to talk about that product of ours and you know, it's all it's a similar process.

But what's really interesting with this new tracker is it's the first of its kind. There really isn't anything else out there covering the administrative state at the state legislative level and administrative state legislation is really nuanced and very rare. It touches almost every type of go out there. It's a lot more nuanced to attract and say, I'm looking to cover elections legislation related to absentee ballot voting.

Okay, well, you can look for that. And there are a lot of tools out there that also provide that kind of coverage. So in this new product area, it's really fun because this is the first of its kind that's out there. So where we're really able to to provide a sort of groundbreaking coverage area. So there's a little something that's what's something that's interesting.

So you got in there 2500 bills. What are some of the really interesting things that we discovered once we started getting into to the legislation?

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Annelise Reinwald: Yeah, that is a great question. I am super interested to see that it the administrative state covers a lot of different areas of governmental and public life because the administrative state is very broad. So that encompasses many different state agencies in different arenas. So we had to do a lot of group calls to see is this reform related? Is this reform related? You'll see on our tracker that we have different topics that all of the bills are categorized into. So surprising to see that the bills we were looking for that reform, administrative state, they're from all different portions of the government and portions of, I guess, public life.

So that was surprising. We're also surprised to see that it is like the reform that we're tracking. It expands and contracts the administrative state in both Republican and Democratic states. So what we're seeing is like, so, okay, I'm going to give an example. So, yeah, we are tracking in terms of categories. We have I think we have to around 12

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to 15 different categories.

Specifically, we're tracking delegation, which refers to the phenomenon where legislation is delegates, tools to administrative agencies. And by tools I mean authority to promulgate rules. And so we saw in terms of bills relating to delegation, we saw Iowa contract or some like delegation authority from the administrative agencies, and then we saw Illinois expanding delegation. Right. So what we're seeing is like sort of all over the place as well.

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Geoff Pallay: And that's really the beauty of all of the tools that we have in the way of legislation Tracker works is it allows a user to see one of the kinds of reforms that are being introduced and then enacted in different states by different parties, by different by different topic areas. And that's a it's a really interactive tool to get into that.

There are so many different search queries you could do off of different states you on different topics and trifecta status and state governments. And it allows you to really see on top of all that otherwise is it just becomes kind of a cloudy mess. How did 70,000 introduce bills in, say, legislatures every year? There are 585,000 elected officials in the country.

There's just a lot there's a lot of government out there and there's a lot to keep up with. So the average state tracker tool in particular is really exciting because, again, it's allowing us to draw connections between the different activities in different states. So how can readers find out more about how they use a tool? How can they find out about the sort of themes and observations that we're making using the tracker ourselves?

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Annelise Reinwald: So if they're looking for themes from the tracker, we have a section called Overview Data where we provide information like I'm in state related bills, bipartisan affiliation of sponsors. We also provide information about where most legislation is introduced regarding the administrative state reform, which is in New York and Minnesota, by the way. And Idaho actually has the most enacted bills, which I found extremely interesting.

But you can also, if you're approaching this tracker with a specific question about your state, you can search bills by your state. If you're approaching the tracker trying to research about a specific reform area, you can search by topic. If you're searching for

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enacted bills in your state, you can filter for your state legislation or for your state legislative status and your trifecta status as well.

If you're just curious about the tracker tool in general, there's just a lot of ways that you can search the interaction that we share. So once you find a bill you're interested in, you can click on it and find information about the bill. Status Partizanship related to the bill sponsors most recent action.

And finally, a final summary. Yeah, I mean, we're recording this the week after Memorial Day and there were 86 bills enacted as of now, and this is our first year collecting information.

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Geoff Pallay: So what are we expecting is to come in in the 2025 session? Obviously, the the election in November will be a pretty big factor in what happens in the legislative session next year. But holding that all aside, what is the administrative state team seeing as and trends? What are they looking for that we might need to look out for next year in terms of the legislative activity?

(00:15:30:21 - 00:15:54:14)

Annelise Reinwald: Yeah, that's a great question. So as I mentioned before, a delegation and non delegation is a hot topic and we're likely to see more momentum and not our area deference or judicial deference, which refers to the ability of like judges who are adjudicating cases against agency regarding their authority or contesting any rules made that is, we're likely to see momentum in that area as well, especially with the Supreme Court case called Loper Bright.

That should have a decision coming out soon. Right. So if I was hanging around in that first, I guess so. One of the things that we've seen in state legislators sessions a lot in the last couple of years, our responses and reactions to Supreme Court rulings and this goes back, you know, forever and ever, one branch of the government acts, the next branch reacts.

So in, for instance, to go back almost a decade in the case, the Supreme Court laid out a decision that with respect to public sector unions and in the years after that, states all across the country regularly passed legislation reacting to that. The most recent example, the probably most commonly known, is with the Dobbs decision around abortion.

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Geoff Pallay: And since that decision, states left and right having passed legislation one way or the other, have we seen any legislation and ways about Chevron deference over this year or do we think we're going to see some next year, depending on how the Supreme Court rules?

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Annelise Reinwald: Yes, Geoff, we have seen we've seen a lot of bills coming through our chalker related to deference and both expanding it and contracting it at the state level. If readers are interested and seeing what that is, you can go to the state tracker and search for bills that are tagged as judicial deference. But yes, we have seen stuff coming through this year and we are expecting to see more next year.

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Geoff Pallay: Yeah, really interesting. The fact to what you were saying earlier, there are a lot of or another example of federal activity coming down to the state level is the REINS Act is something that was enacted federally and that stands for regulations from executives in need of scrutiny and that essentially requires legislative approval of rules that would have an economic effect above a certain monetary threshold.

And so we saw that bill has not passed federal Congress if passed the House, but it's still in the Senate. But we have seen a lot of rent style bills in the state and state level as well. And we expect to see that ramping up in 2025, as well as continuing in this session. That's right. And there hasn't been a state that has already enacted a rent bill, is that right?

(00:17:59:08 - 00:18:10:19)

Annelise Reinwald: Yes, we have Florida and Wisconsin have reign style legislation enacted.

(00:18:11:08 - 00:18:30:19)

Geoff Pallay: Got it. Really interesting. How else can readers or listeners follow along with our content related initiative state? So we've got the tracker we've got. It was developed. How else can they follow along with our work?

Yeah, we have a newsletter called Checks and Balances that is monthly. Highly, highly recommend readers and listeners to subscribe.

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(00:18:10:20 - 00:18:39:23)

Annelise Reinwald: Yeah, we have a newsletter called Checks and Balances that is monthly. Highly, highly recommend readers and listeners to subscribe.

That one is a little bit more in depth, has a lot of contextualization. Just like you said earlier, it's a very nuanced situation with a lot of different opinions and checks and balances is a really good resource. We're also hoping to put out more reports on the tracker as we get further into the data. It's still very new, having just been rolled out earlier this month.

And so once we have a better handle on the data and we see more information, trends, themes, we're going to be pulling those out through checks and balances as well. We have a map component coming to the tracker later in this year, which is really exciting. So yeah, I've been looking forward to that for a long time, so we're really excited for that one.

(00:19:02:01 - 00:19:20:13)

Geoff Pallay: Well, great. Thanks so much at least for coming on the show today and look forward to poking around the tracker myself and see what kind of bills are to come as we head into the end of sessions next month and get ready for next year. So great to have you on the show today. And Lisa, thanks very much.

(00:19:20:14 - 00:19:36:03)

Annelise Reinwald: Yeah, thanks, Geoff. It was great to be here.

(00:19:37:05 - 00:20:00:00)

Geoff Pallay: And for our listeners, you can learn more about our coverage at the link and our show notes. We'll be back next week with another episode. Make sure you subscribe to on the ballot wherever you listen to podcasts. I'm Geoff Pallay. Thanks for listening.